

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY CASES  
LITIGATION

MDL No. 2419

Master Dkt.: 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:  
All Actions

**[PROPOSED] AGREED ORDER EXTENDING DEADLINES FOR RESPONSES TO CERTAIN  
MOTIONS TO DISMISS BY TENNESSEE CLINIC DEFENDANTS**

The parties agree and the Court hereby orders, for good cause shown, that the deadlines for Plaintiffs to file responses to the Tennessee Clinic Defendants' Motion to Dismiss the Plaintiffs' Complaints for Failure to Comply with Tenn. Code Ann. § 29-26-121 (Dkt. No. 770) and the Saint Thomas Entities' and Ascension Parties' Motion to Dismiss for Failure to Comply with Tennessee Health Care Liability Act (Dkt. No. 779), are hereby extended to May 9, 2014. Any replies must be filed by June 9, 2014.

Moreover, pursuant to the parties' statements at the March 13, 2014, status conference, in the parties' Proposed Agreed Order Extending Response Deadlines dated March 20, 2014 (Dkt. No. 1028), and consistent with the Court's prior directions, the parties have conferred and agreed that the motions at issue present the following "global" issues to which Plaintiffs will respond by May 9, 2014:

(1) Whether plaintiffs were required to (a) identify Barry Cadden, NECC, and other affiliated parties in the notice of intent to the clinic defendants as health care providers that would be named defendants and (b) provide a HIPAA release allowing clinic

defendants to obtain records pre-suit from Barry Cadden, NECC, and other affiliated defendants pursuant to Tenn. Code Ann. § 29-26-121;

(2) Whether the pre-suit requirements set forth in Tenn. Code Ann. § 29-26-121 apply to plaintiffs filing complaints alleging only claims styled as products liability claims and, if so, whether the failure to comply with such pre-suit requirements can be cured by a pleading amendment; and

(3) Whether Tenn. Code Ann. § 29-26-122 requires that a plaintiff filing complaints alleging only claims styled as products liability claims file a certificate of good faith with the original complaint.

All other issues raised by Defendants' motions to dismiss (Dkt Nos. 770 and 779) will be responded to by a date set by further order of the Court at such time as the parties and the Court address case-specific issues. The parties do not intend to waive any rights with respect to the case-specific issues raised by the subject motions or anticipated responses thereto.

**IT IS SO ORDERED:**

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The Honorable Rya Zobel  
United States District Judge

Approved for entry:

**PLAINTIFFS' STEERING COMMITTEE**

Dated: April 24, 2014

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